

Supplemental Memo

Memo Date: May 1, 2007

Hearing Date: May 22, 2007 (Continued from April 17, 2007)



TO: Board of County Commissioners

DEPARTMENT: Public Works Dept./Land Management Division

PRESENTED BY: BILL VANVACTOR, COUNTY ADMINISTRATOR
KENT HOWE, PLANNING DIRECTOR

AGENDA ITEM TITLE: In the Matter of Considering a Ballot Measure 37 Claim and Deciding Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA06-7172, Heceta Lake)

BACKGROUND

Applicant: Heceta Lake Joint Venture (acting through its general partner, Coastal Western Land Company, Inc.)

Current Owner: Heceta Lake Joint Venture, a Partnership consisting of Coastal Western Land Co., Inc, LJW, LLC and Nevada Cascades, LLC

Agent: Michael J. Lilly

Map and Tax lot(s): 18-12-10-10 tax lot 100 (portion) specifically, Lots 88, 89, 99, 100 and 101 of Phase II of the preliminary subdivision plan for Heceta Lake Estates First Edition

Acreage: Approximately 11 acres

Current Zoning: RR1/ BD (Rural Residential / Beaches and Dunes Combining Zone)

Date Property Acquired: August 11, 2004 (Bargain and Sale Deed #063701)

Date claim submitted: November 30, 2006

180-day deadline: May 29, 2007

Land Use Regulations in Effect at Date of Acquisition: RR1 (Rural Residential)

Restrictive County land use regulation: Minimum parcel size of two acres in the RR1 (Rural Residential) zone of LC 16.290, as required under OAR 660-004-0040(7) and (8) and codified into Lane Code on April 17, 2002, by Ordinance #6-02.

This claim was originally heard on April 17, 2007. The Board left the record open until May 1, 2007 and continued the discussion of this claim to the May 22, 2007 public hearing in order to allow the claimants time to submit additional information and have the Board reconsider the recommendation.

ANALYSIS

Additional information was submitted into the record by the claimant on April 30, 2007.

CONCLUSION

The lot size requirements of the RR1 zone were applicable when Heceta Lake Joint Venture, a Partnership consisting of Coastal Western Land Co., Inc, LJW, LLC and Nevada Cascades, LLC acquired the property in 2004. For this reason, it appears this is not a valid claim.

RECOMMENDATION

If additional information is not submitted at the continued hearing on May 22, 2007; the County Administrator recommends the Board direct him to deny the claim.